

PROJECT VALLEY HILLS ESTATES SANITARY INTERCEPTOR EXTENSION										RES NO 288-1976		DATE 3/9/77					
CONTRACTOR		EARTH CONST. & ENG.		NOBIS CONST. CO.		SHAMBAUGH & SONS		DEHRNER		DAILEY		T&G EXCAVATING		BERCOT		SCHENKEL & SONS	
CERTIFIED CHECK	EQUAL EMPLOYMENT STATEMENT	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
NON-COLLUSION AFFIDAVIT		X		X		X		X		X		X		X		X	
BID BOND		X		X		X		X		X		X		X		X	
FINANCIAL STATEMENT		X		X		X		X		X		X		X		X	
DESCRIPTION		UNITS	EXTENSION	UP	EXTENSION	UP	EXTENSION	UP	EXTENSION	UP	EXTENSION	UP	EXTENSION	UP	EXTENSION	UP	EXTENSION
----- LINE "A" -----																	
1	15" ES C-700 Clay Pipe	1910± LF		* 13.58	25,937.80	* 13.40	25,594.00	13.76	26,281.60	215.53	29,662.30	13.90	26,549.00	14.66	28,000.00	* 17.05	32,565.50
2	Seeding & 2" Mulch	2200± SY		.55	1,210.00	.50	1,100.00	.99	2,178.00	.66	1,452.00	1.20	2,640.00	.39	858.00	.52	1,144.00
3	Type 1-A Manhole	6± Ea.		770.00	4,620.00	670.00	4,020.00	823.33	4,939.98	452.10	2,712.60	725.00	4,350.00	791.00	4,746.00	805.00	4,830.00
4	Concrete Encasement	30± LF		16.00	480.00	11.00	330.00	8.01	240.30	8.36	250.80	10.00	300.00	18.00	540.00	19.60	588.00
5	Special #53 or #73 Stone Backfill	40± CY		8.46	338.40	8.00	320.00	7.93	317.20	8.36	334.40	9.00	360.00	7.65	306.00	8.10	324.00
6	Broadcast Seeding	2200± SY		.35	770.00	.40	880.00	.80	1,760.00	.39	858.00	.60	1,320.00	.24	528.00	.45	990.00
7	12" Deep Strength Asphalt	20± SY		29.50	590.00	25.00	500.00	33.00	660.00	17.60	352.00	20.00	400.00	18.48	369.60	20.00	400.00
8	8" Drop Connection	8± LF		18.45	147.60	50.00	400.00	11.00	88.00	8.80	70.40	37.50	300.00	32.00	256.00	65.00	520.00
9	12" E.S. Clay Pipe w/Bulkhead	10± LF		15.00	150.00	15.00	150.00	9.47	*** 94.70	13.20	132.00	14.00	140.00	11.50	115.00	26.50	265.00
SUBTOTAL					34,243.80		33,294.00		36,559.85		35,824.50		36,359.00		35,719.20		41,626.50
----- LINE "B" -----																	
10	12" ES C-700 Clay Pipe	1820± LF		8.90	16,198.00	** 11.00	20,020.00	9.63	17,526.60	11.43	20,802.60	10.50	19,110.00	12.09	22,003.80	11.85	21,567.00
11	Seeding & 2" Mulch	1200± SY		.55	660.00	.50	600.00	.99	1,188.00	.66	792.00	1.20	1,440.00	.39	468.00	.52	624.00
12	Type 1-A Manhole	7± Ea.		756.00	5,292.00	670.00	4,690.00	769.80	5,388.60	450.00	3,150.00	715.00	5,005.00	780.00	5,460.00	799.00	5,592.00
13	Special #53 or #73 Stone Backfill	30± CY		8.46	253.80	8.00	240.00	7.93	237.90	8.36	250.80	9.00	270.00	7.65	229.50	8.10	243.00
14	Broadcast Seeding	2700± SY		.35	945.00	.40	1,080.00	.80	2,160.00	1.39	1,053.00	.60	1,620.00	.24	648.00	.45	1,215.00
15	Brushing and Tree Removal	LS		1,260.00	1,260.00	800.00	800.00		250.00	1,790.00	1,790.00	LS	500.00	1,400.00	1,400.00	1,662.00	1,662.00
16	6" Crushed Stone Pavement	25± SY		1.50	37.50	3.00	75.00	7.93	198.25	2.20	55.00	2.00	50.00	1.80	45.00	4.50	112.50
SUBTOTAL					24,646.30		27,505.00		26,949.35		27,893.40		27,995.00		30,254.30		31,016.50
TOTALS					\$58,890.10		\$60,799.00		\$63,509.20		\$63,717.90		\$64,354.00		\$65,973.50		\$72,643.00
										***\$63,509.13 Extension Error							
1	15" RCP, Class III O-Ring	1910± LF		* 11.52	\$22,003.20												
TOTAL (Alt. #1)					\$54,955.50												
1	15" RCP Class III	1910± LF				* 11.20	21,392.00										
TOTAL (Alt. #1)							\$56,597.00										
1	15" RCP Class IV	1910± LF				* 11.60	22,156.00										
TOTAL (alt. #2)							\$57,361.00										
10	12" RCP Class IV	1820± LF				** 10.60	19,292.00										
							\$60,071.00										
1	15" ACP Class 3300	1910± LF													* 16.55	\$31,610.00	
																\$71,688.00	

BILL NO. S-77-04-13

SPECIAL ORDINANCE NO. S- 83-77

AN ORDINANCE approving a contract with Earth Construction & Engineering, Inc. for construction of Valley Hills Estates Sanitary Sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated March 30, 1977, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Earth Construction & Engineering, Inc., for:

Line "A" - Beginning at existing manhole #10 of the St. Joseph River Interceptor, Res. #277, located along the north right-of-way line of Leo Road (Old State Road #427), 2650+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence northwesterly generally following the north line of the existing Indiana and Michigan right-of-way and its northerwesterly extension 1225+ lineal feet to a proposed manhole, thence deflecting right and continuing northwesterly 670+ lineal feet to a proposed manhole 585+ lineal feet south of the centerline of DuPont Road.

Line "B" - Beginning at an existing manhole over an existing 12" sanitary sewer located along the north right-of-way line of Leo Road (Old State Road #427) 2380+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence north 57° 38' east along the north right-of-way line of Leo Road a distance of 470+ lineal feet to a proposed manhole, thence north 0° 52' west a distance of 620+ lineal feet, thence north 35° 38' east, 270+ lineal feet, thence north 2° 08' east, 230+ lineal feet, thence north 54° 18' west, 225+ lineal feet to a proposed manhole located along the south right-of-way line of DuPont Road 1030+ lineal feet west of the centerline intersections of Leo Road with DuPont Road.

Said sewer shall be 12" and 15" inches in diameter, with all appurtenances to be constructed in accordance with plans, profiles, specail details and specifications now on file in the Office of the Board of Public Works of said City, and shall be used for sanitary purposes only.

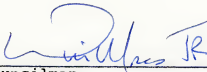
For a total cost of \$58,890.10, of which the City will pay \$2,890.10, and \$32,000.00 will be paid to the City by Victory Life Church and \$24,000.00 will be paid by Mobile Communities, Inc., all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

APPROVED AS TO FORM
AND LEGALITY

City Attorney

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SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Councilman

Read the first time in full and on motion by Moses, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 4-12-77 Charles W. Watterman
CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hinga, and duly adopted, placed on its passage.
PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>				
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.	<u>✓</u>				
SCHIMDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 4/26/77

Charles W. Watterman

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (~~RESOLUTION~~) No. 5-83-77 on the 26th day of April 1977.
ATTEST: (SEAL)

Charles W. Watterman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1977, at the hour of 11 o'clock A M., E.S.T.

Charles W. Watterman
CITY CLERK

Approved and signed by me this 4th day of May, 1977, at the hour of 8:30 o'clock A.M., E.S.T.

Rahad Elmonstony
MAYOR

Bill No. S-77-04-13

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on PUBLIC WORKS to whom was referred an Ordinance
approving a contract with Earth Construction & Engineering, Inc.
for construction of Valley Hills Estates Sanitary Sewer

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

WINFIELD C. MOSES, JR. - CHAIRMAN

DONALD J. SCHMIDT

VIVIAN G. SCHMIDT

PAUL M. BURNS

SAMUEL TALARICO

CONCURRED IN

DATE 4-26-77 CHARLES W. WESTERMAN, CITY CLERK

CONTRACT AND BOND

64-176-14 3/30/77

This Agreement, Made and entered into as of the.....30th.....day of

March 19 77, by and between

EARTH CONSTRUCTION & ENGINEERING, INC.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct

Line "A" - Beginning at existing manhole #10 of the St. Joseph River Interceptor, Res. #277, located along the north right-of-way line of Leo Road (Old State Road #427), 2650+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence northwesterly generally following the north line of the existing Indiana and Michigan right-of-way and its northerwesterly extension 1225+ lineal feet to a proposed manhole, thence deflecting right and continuing northwesterly 670+ lineal feet to a proposed manhole 585+ lineal feet south of the centerline of DuPont Road.

Line "B" - Beginning at an existing manhole over an existing 12" sanitary sewer located along the north right-of-way line of Leo Road (Old State Road #427) 2380+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence north 57° 38' east along the north right-of-way line of Leo Road a distance of 470+ lineal feet to a proposed manhole, thence north 0° 52' west a distance of 620+ lineal feet, thence north 35° 38' east, 270+ lineal feet, thence north 2° 08' east, 230+ lineal feet, thence north 54° 18' west, 225+ lineal feet to a proposed manhole located along the south right-of-way line of DuPont Road 1030+ lineal feet west of the centerline intersections of Leo Road with DuPont Road.

Said sewer shall be 12" and 15" inches in diameter, with all appurtenances to be constructed in accordance with the plans, profiles, special details and specifications now on file in the Office of the Board of Public Works of said City, and shall be used for sanitary purposes only.

attorney-in-fact (X)

Approved this.....day of.....19.....

Henry P. Weinberg
Edw. W. La Mar
May G. Scott
Board of Public Works.

day of.....March.....19 77.

EARTH CONSTRUCTION & ENGINEERING, INC.

BY: *Cook P. Lougheed*
Cook P. Lougheed
ITS: President

Contractor, party of the first part.

This contract approved by us this 30 day of March, 19 77

BOARD OF PUBLIC WORKS,
Party of the second part.

Robert Armstrong
Mayor

for the Following Prices

LINE "A"	15" ES C-700 Clay Pipe	Thirteen Dollars Fifty-eight Cents	\$13.58
	Seeding & 2" Mulch	Fifty-five Cents	.55
	Type 1-A Manhole	Seven Hundred Seventy Dollars	770.00
	Concrete Encasement	Sixteen Dollars	16.00
	Special #53 or #73 Stone Backfill	Eight Dollars Forty-six Cents	8.46
	Broadcast Seeding	Thirty-five Cents	.35
	12" Deep Strength Asphalt	Twenty Nine Dollars Fifty Cents	29.50
	8" Drop Connection	Eighteen Dollars Forty-five Cents	18.45
	12" E.S. Clay Pipe w/Bulkhead	Fifteen Dollars	15.00
	12" ES C-700 Clay Pipe	Eight Dollars Ninety Cents	8.90
LINE "B"	Seeding & 2" Mulch	Fifty-five Cents	.55
	Type 1-A Manhole	Seven Hundred Fifty-Six Dollars	756.00
	Special #53 or #73 Stone Backfill	Eight Dollars Forty-six Cents	8.46
	Broadcast Seeding	Thirty-five Cents	.35
	Brushing & Tree Removal	One Thousand Two Hundred Sixty Dollars	1,260.00
	6" Crushed Stone Pavement	One Dollar and Fifty Cents	1.50

The said party of the first part expressly agrees to make the improvements herein specified in strict accordance with the provisions of SANITARY SEWER Improvement Resolution No. 288-77 and in accordance with the plans, profiles and specifications for the improvement on file in the office of the Department of Public Works of said city. The resolutions, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectually as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 240 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 30th day of March 19 77.

EARTH CONSTRUCTION & ENGINEERING, INC.

BY:

Cook P. Loughheed

ITS:

President

Contractor, party of the first part.

This contract approved by us this

30

day of

March

19 77

BOARD OF PUBLIC WORKS,

Party of the second part.

Mayor

GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we EARTH CONSTRUCTION & ENG. INC.

Contractors

as principal and AMERICAN STATES INSURANCE COMPANY

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of _____

FIFTY EIGHT THOUSAND EIGHT HUNDRED NINETY DOLLARS AND TEN CENTS (\$ 58,890.10)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said EARTH CONSTRUCTION & ENGINEERING, INC.

did on the 30th day of March 1977 enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a sewer in and

alone

Line "A" - Beginning at existing manhole #10 of the St. Joseph River Interceptor, Res. #277, located along the north right-of-way line of Leo Road (Old State Road #427), 2650+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence northwesterly generally following the north line of the existing Indiana and Michigan right-of-way and its northerwesterly extension 1225+ lineal feet to a proposed manhole, thence deflecting right and continuing northwesterly 670+ lineal feet to a proposed manhole 585+ lineal feet south of the centerline of DuPont Road.

Line "B" - Beginning at an existing manhole over an existing 12" sanitary sewer located along the north right-of-way line of Leo Road (Old State Road #427) 2380+ lineal feet southwest of the centerline intersection of Leo Road with DuPont Road, thence north 57° 38' east along the north right-of-way line of Leo Road a distance of 470+ lineal feet to a proposed manhole, thence north 0° 52' west a distance of 620+ lineal feet, thence north 35° 38' east, 270+ lineal feet, thence north 2° 08' east, 230+ lineal feet, thence north 54° 18' west, 225+ lineal feet to a proposed manhole located along the south right-of-way line of DuPont Road 1030+ lineal feet west of the centerline intersections of Leo Road with DuPont Road.

Said sewer shall be 12" and 15" inches in diameter, with all appurtenances to be constructed in accordance with the plans, profiles, special details and specifications now on file in the Office of the Board of Public Works of said City, and shall be used for sanitary purposes only.

RECORDED - 44-18621

Approved this _____ day of _____ 19 _____

Henry P. Wilkenberg
Edw. H. La Mar
May G. Scott
Board of Public Works.

along

conditions of the sewer as provided in the aforesaid contract, plans and specifications.

Now, if the said EARTH CONSTRUCTION AND ENGINEERING, INC.

shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 30th day of March 19 77

EARTH CONSTRUCTION & ENGINEERING, INC. (SEAL)

BY: Cook P. Longhead, President (SEAL)
AMERICAN STATES INSURANCE COMPANY

Grace C. Rauer (SEAL)
Attorney-in-Fact

Approved this _____ day of _____ 19 _____

Henry P. W. Schenberg
Edw. H. La Mar
May J. Scott
Board of Public Works.

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we EARTH CONSTRUCTION & ENG. INC.

as principal and AMERICAN STATES INSURANCE CO.

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of FIFTY EIGHT THOUSAND EIGHT HUNDRED NINETY DOLLARS AND TEN CENTS (\$ 58,890.10) for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The condition of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the 30th

day of March 1977, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the sewer as to the workmanship, material and conditions for the period of Three (3) years, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

Witness our hands and seals this 30th day of March 19 77

EARTH CONSTRUCTION & ENG. INC. (SEAL)

BY: Cook P. Loughheed (SEAL)
Cook P. Loughheed, President

AMERICAN STATES INSURANCE CO. (SEAL)

Gerald C. Krower (SEAL)
Attorney-in-Fact

Approved this _____ day of _____ 19 _____

Henry P. W. Krenberg
Earl W. Larson
May G. Scott
Board of Public Works.

APPROVED AS TO FORM AND LEGALITY

Amos G. Pearson
CITY ATTORNEY

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5,68,69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, Page 545, being Section 9459 of Burns Annotated Statutes Volume IV) (Section 40-1214 Burns Annotated 1952 Revision Volume VIII). It is further stipulated that any judgment rendered against the City of Ft. Wayne in any suits for damages for injury to real or personal property, or for any injury to real or personal property, or for any injury, sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitrators or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation Acts, of the State of Indiana, now in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City in the premises.

TITLE OF ORDINANCE SPECIAL ORDINANCE - Contract of Earth Const. & Eng., Inc. on Res. 288-77DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKSSYNOPSIS OF ORDINANCE Contract of Earth Construction & Engineering, Inc. in amountof \$58,890.⁰⁰ provides for construction of a Sanitary Inteceptor ExtensionSewer in area of Valley Hills Estates.This was the low of eight bids received.Of the total construction cost, \$32,000.00 will be paid to the City by theVictory Life Church and \$ 24,000.00 will be paid by Mobile Communities, Inc.leaving a balance to the Utility of \$2,890.⁰⁰(SEE CONTRACT & TABULATION ATTACHED)EFFECT OF PASSAGE Sanitary sewer extensions and sewage revenue to CityEFFECT OF NON-PASSAGE Failure to provide sewer service at minimal cost to CityMONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) cost to Sewer Utility of\$2,890.⁰⁰

ASSIGNED TO COMMITTEE _____

Justice Dubbs